

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ST. JOSEPH PARISH ST.  
JOHNS,

Plaintiff,

v

DANA NESSEL, in her official capacity as Attorney General of Michigan; JOHN E. JOHNSON, JR., in his official capacity as Executive Director of the Michigan Department of Civil Rights; PORTIA L. ROBERSON, ZENNA FARAJ ELHASON, GLORIA E. LARA, REGINA GASCOT-BENTLEY, ANUPAMA KOSARAJU, RICHARD CORRIVEAU, DAVID WORTHAMS, and LUKE R. LONDO, in their official capacities and members of the Michigan Civil Rights Commission,

Defendants.

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No. 1:22-cv-1154

HON. JANE M. BECKERING

MAG. PHILLIP J. GREEN

**DEFENDANTS' MOTION TO  
DISMISS PLAINTIFF'S  
AMENDED COMPLAINT  
PURSUANT TO FRCP 12(b)(1)  
AND (6)**

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**DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S AMENDED  
COMPLAINT PURSUANT TO FEDERAL RULES OF  
CIVIL PROCEDURE 12(b)(1) AND (b)(6)**

Defendants, through counsel and under Fed. R. Civ. P. 12(b)(1) and 12(b)(6), move this Court to dismiss Plaintiff St. Joseph Parish St. Johns' (Plaintiff or St. Joseph) Amended Complaint. Defendants state in support:

1. Plaintiff's complaint should be dismissed because its claims are premature and thus not ripe for judicial review. Plaintiff's allegations are based on speculation and are insufficient to maintain its claims.
2. Plaintiff also lacks standing where it cannot establish the requisite injury-in-fact to supports its claims.
3. Plaintiff has failed to sufficiently plead a claim under the Fourteenth Amendment.
4. This Court should decline to issue declaratory relief where there is no actual controversy, there is no necessity to clarify the legal relations of the parties, and the issue of scope of religious exemptions for public accommodations has not yet been determined by any Michigan agency or court.
5. For these reasons and the reasons stated more fully in the accompanying brief in support, Defendants respectfully request that this Honorable Court enter an order dismissing Plaintiff's complaint pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), in addition to any other relief this court deems just and equitable.
6. Pursuant to W.D. Mich. L.R. 7.1(d), counsel for Defendants contacted counsel for Plaintiff via email on March 28, 2023, to seek concurrence which was denied.

WHEREFORE, State Defendants ask this Court to dismiss Plaintiff's Amended Complaint in its entirety.

Respectfully submitted,

/s/ Tonya C. Jeter

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Dated: March 30, 2023

#### **CERTIFICATE OF SERVICE**

I hereby certify that on March 30, 2023 I electronically filed the above document(s) with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel of record.

A courtesy copy of the aforementioned document was placed in the mail directed to:

Judge Jane M. Beckering  
685 Federal Bldg  
110 Michigan St NW  
Grand Rapids MI 49503

/s/ Tonya Celeste Jeter

Tonya Celeste Jeter  
Assistant Attorney General